REMARKS/ARGUMENTS

Claims 1-5, 7-20, 25-33, 38-45 and 51-56 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly being non-enabled. Applicants respectfully traverse this rejection.

According to the Office Action,

> the rejection is the determination of "T." The specification only discusses blastomere counting. Further, "t_0" is not clear as to what "t_0" measures is not clear. It is understood the animals were conceived at the same time, but what "t_0" actually is not evident.

Applicants point out that "t_0" is the time of conception of both embryos. As stated in the specification, "embryos of the same age is understood to define that the embryos were conceived simultaneously or at the same time." Specification, page 4, paragraph 15. Thus, t_0 refers to the time of conception. There is no counting of cells involved in determining t_0.

"T", as defined in the specification and claims, is the synchrony of development between two embryos of the same species and of the same age. "T" refers to the asynchrony of development, determined on or before uterine implantation. According to the specification at paragraph 15, asynchrony is

> the time or delay expressed in hour which exists in a given instant of embryonic development between the stage of development of an embryo normally fertilized and developing with the laws of nature, and the stage of development of an embryo which, at a given moment of its development has at least been manipulated in vitro, the two embryos being of the same age and of the same species. The expression embryos of the same age is understood to define that the embryos were conceived simultaneously or at the same time. Thus, in the case of a normally fertilized embryo and a reconstituted embryo obtained by nuclear transfer, the enucleated oocyte will have the same age as the oocyte normally fertilized by a sperm.

Thus, the asynchrony of development is the number of hours it takes the first embryo to reach the same stage of development that the second embryo reached on or before the day the second embryo implants in the uterus. So, if the second embryo is at an eight cell stage upon uterine implantation, and the first embryo reaches the eight cell stage 20 hours later than the second embryo, T is 20 hours. "t" can then be mathematically calculated by the formula $t_0 + T$ (+/- 25% T).

One of ordinary skill would be able to practice the invention, based on the state of the art and the guidance provided in the specification. Specifically, one of ordinary skill in the art would be able to determine time t_0, time t and time T using the guidance provided in the specification. Accordingly, withdrawal of this rejection is respectfully requested.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge

Deposit Account No. 12-1095 therefor.

Dated: August 25, 2008   Respectfully submitted,

By *Andrea Jo Kamage*

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